



REGULAR MEETING MINUTES
TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
Tuesday, January 23, 2007 at 6:00pm
North Hampton Elementary School Music Room

These minutes were prepared as a reasonable summary of the essential content of the meeting, not as a transcription. All exhibits mentioned in these minutes are a part of the Town Record.

Attendance

Members present: John Anthony Simmons, Chairman; Jennifer Lerner and Susan Smith

Members absent: Michele Peckham, Vice Chairman and Ted Turchan

Alternates present: None

Staff present: Richard Mabey, Building Inspector and Wendy Chase, Recording Secretary

Preliminary Matters; Procedure; Swearing in of Witnesses; Recording Secretary Report

Mr. Simmons called the meeting to order at 6:17pm.

Mr. Simmons mentioned that a copy of case Robert L. Garrison v. Town of Henniker was distributed to each member and asked that they read it. The case provides specific guidance on how to determine that a property is unique for zoning purposes.

Mr. Simmons read the notice from NH OEP regarding the 14th annual spring Planning & Zoning conference on April 28, 2007.

Mr. Simmons read an email from Mr. Shep Kroner, Vice Chair of the Planning Board. The email was a response to Mr. Simmons' letter requesting, on behalf of the Zoning Board, that the Planning Board hold public hearings to re-write Article IV, Section 406.2 and make it easier to understand by giving clear direction to the public. Mr. Kroner explained in his response that the topic was discussed at their December Planning Board meeting and it was decided that the Board request that the Zoning Board and Planning Board hold a joint meeting to discuss changes, if any, to Article IV, Section 406.2. Mr. Simmons replied to Mr. Kroner stating that he was in favor of a joint meeting with the Planning Board and would discuss it with the Zoning Board at their next meeting and get back to him. With the Board's permission, Mr. Simmons said that he would send an email to Ms. Chase to forward to the Planning Board members stating that they would like to hold a joint meeting and request that he Planning Board make the arrangements since the Planning Board Chairman would Chair the meeting. Ms. Chase was directed to coordinate, through emails, a date and time both Boards agree upon to hold a joint meeting.

1 Mr. Simmons remarked on the progress the Cable T.V. Committee has made. Eventually all
2 meetings will be aired live on channel 22. Mr. Simmons explained to the audience that they would
3 need to approach the podium and speak into the microphone with any comments they may have.
4

5 Mr. Simmons informed the applicants present that there was a three-member board, which does
6 legally constitute a quorum, and gave them the opportunity to either proceed with their applications
7 or request a continuance to the next meeting.
8

9 Mr. Simmons stated for the record that the Board's thoughts and prayers go out to ZBA member
10 Ted Turchan and look forward to his "speedy" recovery and return to the Board.
11

12 Mr. Simmons stated that the Rules of Procedure were available for anyone to review.
13

14 Mr. Simmons swore in Witnesses.
15

16 Ms. Chase stated that the meeting was legally posted in the January 7, 2007 Portsmouth Herald and
17 at the Post Office, Town Clerk's Office, Town Office, Library and www.northhampton-nh.gov.
18

19 **Minutes**

20
21 Mr. Simmons suggested to table the minutes of October 24, 2006 and November 28, 2006 to the
22 next meeting in the event that there is a full Board to review and approve them. Ms. Chase was
23 directed to add approval of the October and November minutes to the February agenda.
24

25 **Old Business**

26 No Old Business
27

28 **New Business**

- 29 **1. 2007:01 – Electa N. Savage, 3 Boulters Cove, North Hampton, NH.** Applicant requests a
30 Variance from Article IV, Section 409.8.A and 409.9.A.2. to permit construction of a new
31 26 x 44, 1 ½ story single-family dwelling and septic system within 75 feet of the wetlands
32 soil. (The dwelling to be 19 feet and the septic system to be 55 feet from the wetlands soil).
33 Property location: 4 Boulters Cove, zoning district R-2, M/L 001-014.
34
35

36 **In attendance for this application:**

37 Attorney Bernard Pelech, Law Offices of Wholey & Pelech
38

39 Attorney Pelech, on behalf of his client Electa Savage, requested a continuation for case #2007:01
40 to the February 2007 meeting.
41

42 **Mr. Simmons moved and Ms. Lerner seconded the motion to grant Attorney Pelech's request**
43 **to continue case #2007:01, Electa N. Savage, to the February 2007 meeting.**

44 **The vote was unanimous in favor of the motion (3-0).**
45
46
47

- 48 **2. 2007:02 – GFI, North Hampton, LLC**, 133 Pearl St Suite 400, Boston, MA. The
49 applicants request a Variance from the provisions of Article III, Section 302 (25) and Article
50 IV, Section 405 to allow pre-site built housing units in a manufactured housing park rather
51 than manufactured housing units. Property location: 223 Lafayette Road, zoning district R-3
52 and I- B/R, M/L 021-001-000.

53
54 **In attendance for this application:**

55 Attorney Bernard Pelech, Law Offices of Wholey & Pelech

56
57 Attorney Pelech, on behalf of his clients, GFI North Hampton Partnership, requested a continuation
58 for case #2007:02 to the February 2007 meeting.

59
60 **Mr. Simmons moved and Ms. Smith seconded the motion to grant Attorney Pelech’s request**
61 **to continue case #2007:02 to the February 2007 meeting.**
62 **The vote was unanimous in favor of the motion (3-0).**

- 63
64 **3. 2007:03 – Rich Skowronski and Leila Hanna**, 142 Mill Road, North Hampton. The
65 applicants wish to appeal the decisions of (1) a member of the Planning Board, Mr. Wilson
66 and (2) the Building Inspector, Mr. Richard Mabey made November 6, 2006, regarding
67 Planning Board case 05:20, Leonard & Mary Saunders.

68
69 **In attendance for this application:**

70 Richard Skowronski

71 Leila Hanna

72
73 Mr. Skowronski requested a continuation for case #2007:03 to the February 2007 meeting.

74
75 **Mr. Simmons moved and Ms. Smith seconded the motion to grant Mr. Skowronski’s request**
76 **to continue case #2007:03 to the February 2007 meeting.**
77 **The vote was unanimous in favor of the motion (3-0).**

78
79 Ms. Lerner informed the Board members that the regularly scheduled ZBA meeting for February
80 falls under the same week as School vacation and some members may be affected by that and
81 unable to attend.

82
83 The Board decided to reschedule the February 27th meeting to Tuesday, February 20, 2007.

84
85 **Mr. Simmons moved and Ms. Smith seconded the motion to reschedule the February 27, 2007**
86 **meeting to Tuesday, February 20, 2007 at 6:00pm at the Elementary School music room.**
87 **The vote was unanimous in favor of the motion (3-0).**

88
89 Ms. Chase was directed to contact Attorney Pelech and let him know of the new meeting date and to
90 have the web site calendar changed to reflect the new date.

91
92 Mr. Simmons requested that the Board members read the Order of Notice regarding Mr.
93 Skowronski’s lawsuit against the Town to be prepared to discuss it at the February 20, 2007
94 meeting.

96 The updated Rules of Procedure were signed by Mr. Simmons, Ms. Smith and Ms. Lerner and
97 notarized by Ms. Chase.
98
99 Mr. Saunders of 144 Mill Road asked Mr. Simmons to provide more detail pertaining to the Order
100 of Notice submitted by Richard Skowronski and Leila Hanna.
101
102 Mr. Simmons explained that the Order of Notice is from the Court notifying the Town that the
103 Town is being sued by the Skowronskis and that the Skowronskis are ordered to notify the Town
104 with an Order of Notice. It will be discussed as part of case 2007:03 at the February 20, 2007
105 meeting.
106
107 **Mr. Simmons moved and Ms. Lerner seconded the motion to adjourn at 6:45pm.**
108 **The vote was unanimous in favor of the motion (3-0).**
109
110 Respectfully submitted,
111
112 Wendy V. Chase
113 Recording Secretary